

FILED

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

IN THE UNITED STATES DISTRICT COURT

AUG 12 2025

FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

MITCHELL R. ELFERS
CLERK

Plaintiff,

vs.

No. CR 25-0113 JB

DINEH BENALLY,
DONALD BENALLY, and
IRVING REA YUI LIN,

Defendants.

**ORDER GRANTING UNOPPOSED MOTION TO CONTINUE
SEPTEMBER 2025 TRIAL AND PRETRIAL DEADLINES**

THIS MATTER having come before the Court on the Defendants' Unopposed Motion to Continue September 2025 Trial and Pretrial Deadlines seeking a continuance of the September 8, 2025, trial setting and associated deadlines; the Court having reviewed said Motion and having been informed the request to vacate and continue is jointly presented by the parties; the Court having otherwise been fully informed herein and having determined that the Motion is well-taken and should be granted:

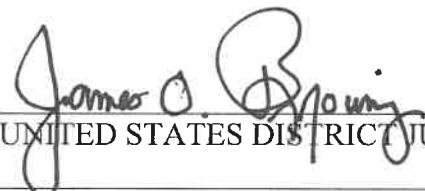
THE COURT HEREBY FINDS that a failure to vacate and continue the September 8, 2025, trial setting will prevent the parties from engaging in plea discussions which may alleviate the need for trial, properly litigating any pretrial motions, and deny the Defendants the reasonable time necessary for effective and competent representation pursuant to 18 U.S.C. §3161(h) for the reasons presented in said Unopposed Motion, including the complex nature of this matter described in the Motion;

THE COURT FURTHER FINDS, after weighing the best interests of the public and of the Defendants with the ends of justice, that granting a continuance will strike a proper balance between the ends of justice and the best interests of the public and the Defendants for the reasons

stated in the Unopposed Motion. Specifically, ensuring the protection of Defendants' constitutional right to counsel, due process, and fundamental fairness which outweighs the Defendants' and the public's interests in a speedy trial. *See* 18 U.S.C. §3161(h)(7); *United States v. Toombs*, 574 F.3d 1262 (10th Cir.2009). The Court further finds that this continuance is not premised on the Court's availability.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Unopposed Motion to Continue September 2025 Trial and Pretrial Deadlines is hereby granted.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the trial setting of September 8, 2025, is hereby vacated and shall be continued and reset.


UNITED STATES DISTRICT JUDGE

After weighing the best interests of the public and of the Defendants with the ends of justice, the Court finds that granting a continuance will strike a proper balance between the ends of justice and the best interests of the public and of the Defendant for the reasons stated in the motion requesting a continuance, filed July 31, 2025 (Doc. 93). Specifically, the Defendants' need to review discovery, to discuss the filing of any pre-trial motions, and to discuss possible plea negotiations with their counsel, outweighs the Defendants and the public's interest in a speedy trial. *See* 18 U.S.C. Section 3161(h)(7). The Court will set the trial for March 9, 2026 @ 9:00 AM. The pretrial motion deadline is Feb. 16, 2025. This 180-day continuance is sufficient, without being greater than necessary, for the Defendant to complete the tasks set forth in the motion to continue.


8/11/25 → trailing docket